

**PERSONNEL DELEGATIONS OF AUTHORITY
Title 5 (Grade 15 and Below)**

NIH, Office of the Director

October 23, 2001

All delegations and redelegations included herein have the requirement that the official to whom an authority is delegated must have sufficient knowledge and expertise to exercise the authority in accordance with law, regulation, and written policy.

These delegations outline authorities that have been redelegated by the Acting Deputy Director, NIH to officials within the Office of the Director and are based on the NIH Delegations of authority issued by the Director, NIH on January 11, 1996 and August 21, 2001.

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***Definitions:**

The following definitions apply throughout the delegations:

Discretionary Increases include cash awards and bonuses; recruitment and relocation bonuses and retention allowances (3Rs) or recruitment and retention incentives (2Rs); Physician's Comparability Allowance (PCA); Physician's Special Pay (PSP); pay increases, etc.

Total compensation = annual locality salary (or special salary rate) plus discretionary increases.

DELEGATION OF AUTHORITY	DELEGATED TO	REDELEGATION AUTHORIZED TO	RESTRICTIONS/ COMMENTS
<u>Alternative Work Schedules (AWS)</u> To modify existing flexible work schedules [(Flexible work schedules, e.g. flexitour, gliding schedule, variable day, variable week, or maxiflex) and (Compressed work schedules: e.g. 5/4-9; 4-10, 3-13)].	Deputy Directors, Associate Directors/Office Directors reporting to Director, NIH	Executive Officer	
To select which existing AWS models [(Flexible work schedules, e.g. flexitour, gliding schedule, variable day, variable week, or maxiflex) and (Compressed work schedules: e.g. 5/4-9; 4-10, 3-13)] may be implemented.	Deputy Directors, Associate Directors/Office Directors reporting to Director, NIH	First level supervisors	
To implement and/or terminate selected AWS work schedules.	Same as above	First level supervisors	
<u>Appointment Above the Minimum</u> To approve an appointment at a rate above the minimum rate of the appropriate grade because of superior qualifications for positions at grade GS-13 and below based on: <ul style="list-style-type: none"> - a written competing offer; - approved salary survey; - match of a candidate's current based salary; 	Same as above	None except the Deputy Dir for Management (DDM) may redelegate to Associate Directors & Office Directors who report directly to the DDM.	Requests may not be finalized without prior technical review by OD HRO.

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<ul style="list-style-type: none"> - any other conditions, e.g. match of salary and fringe benefits 			
<p><u>Awards</u></p> <p>To grant cash awards based on special acts or services, staff recognition, inventions and adopted employee suggestions for individuals and groups NTE \$5,000 when discretionary increases do not exceed \$30,000 in the preceding 52 weeks. (Includes On The Spot Awards NTE \$2,500.)</p>	Deputy Directors, Associate Directors/Office Directors reporting to Director, NIH	Second level supervisors	<p>Nominations for awards in excess of \$2,500 require a recommending and approving official. Approving official must be one level higher than recommending official.</p> <p>Awards that require the signature of the Deputy Director, NIH must first be routed through OD HRO.</p> <p>HRO must forward copy of approved cases to WPMD, OHRM within 10 working days when total compensation* is between EX-IV and EX-I.</p>
To approve time off awards in excess of 1 workday but NTE the maximum timeframes specified by the NIH Employee Recognition and Awards Program.	Same as above	Second level supervisors	<p>Nominations require a recommending and approving official. Approving official must be one level higher than recommending official.</p> <p>Other employees may recommend awards, however the award must be</p>

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			approved by supervisor of employee being nominated. Scheduling of the time off is subject to supervisor's approval.
To recommend and approve time-off awards up to 1 workday without further review or approval.	Same as above	First level supervisors	Other employees may recommend awards, however the award must be approved by supervisor of employee being nominated. Scheduling of the time off is subject to supervisor's approval.
To grant length of service recognition for 10, 20, 30, and 40 years of service.	Same as above	None except the Deputy Dir for Management (DDM) may redelegate to Associate Directors & Office Directors who report directly to the DDM.	

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<u>Details</u> To approve details up to 120 days within NIH.	Deputy Directors, Associate Directors/Office Directors reporting to Director, NIH	None except the Deputy Dir for Management (DDM) may redelegate to Associate Directors & Office Directors who report directly to the DDM.	Copies of approved details must be sent to OD HRO.
<u>Employee Relations - Adverse Actions</u> To propose a suspension for 14 days or less.	Deputy Directors, Associate Directors/Office Directors reporting to Director, NIH and Executive Officer	First level supervisors	Proposals may not be issued without the prior review of the OD Human Resources Office. OEO concurrence is required in cases involving allegations of sexual harassment or retaliation.
To receive an employee's reply and to make the original decision to effect a suspension for 14 days or less.	Same as above	Official at least one level higher than proposing official	Decisions may not be issued without the prior review of the OD Human Resources Office. OEO concurrence is required in cases involving allegations of sexual harassment or retaliation.
To propose a suspension for more than 14 days, removal, reduction in grade or pay, or furlough without pay.	Same as above	First level supervisors	Proposals may not be issued without the prior review of the OD Human Resources Office. OEO concurrence is required in cases

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			involving allegations of sexual harassment or retaliation.
To receive an employee's reply and to make the original decision on a suspension for more than 14 days, removal, reduction in grade or pay, or furlough without pay.	Same as above	Official at least one level higher than proposing official	Decisions may not be issued without the prior review of the OD Human Resources Office. OEO concurrence is required in cases involving allegations of sexual harassment or retaliation.
<u>Employee Relations – Grievance Decisions</u> To make a decision at the informal stage of the NIH grievance procedures, i.e., to be the "Stage 1 Official".	The first official with authority over the matter grieved. An administrative superior (with authority over the matter grieved) of the Stage 1 Official may exercise this authority.	None	Stage 1 Official must: <ul style="list-style-type: none"> Have authority over the matter grieved. Stage 1 Official must contact OD HRO prior to taking action on an employee's grievance.
To make a decision at the formal state of the NIH grievance procedures, i.e., to be the "Stage 2 Official".	The first official at a higher level than the Stage 1 Official who has authority over the matter grieved and meets the criteria described in restrictions An administrative superior (who meets criteria described in restrictions) of the Stage 2	None	Stage 2 Official must: <ul style="list-style-type: none"> Not be an official who previously made a decision on the adverse action, separation, or reassignment to a position in a different commuting area that is being grieved Not be an official who issued a decision under the

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	Official, may exercise this authority.		informal grievance procedure <ul style="list-style-type: none"> • Have authority over the matter grieved • Be an official at a higher level than any employee involved in any phase of the grievance Stage 2 Officials must contact the OD HRO prior to taking action on an employee's grievance.
<u>Employee Relations - Official Reprimands</u> To issue official reprimands.	Deputy Directors, Associate Directors/Office Directors reporting to Director, NIH	First level supervisors	May not be issued without prior technical review by OD HRO.
<u>Employee Relations - Reduction in Grade/Removals Based on Unacceptable Performance (5 CFR 432)</u> To propose a reduction in grade or removal based on unacceptable performance.	Deputy Directors, Associate Directors/Office Directors reporting to Director, NIH and Executive Officer	First level supervisors	Proposals may not be issued without the prior review of technical issues by OD HRO.
To receive an employee's reply and to make the original decision to reduce in grade or remove an employee based	Same as above.	Official at least one level higher than proposing official.	Decisions may not be issued without the prior review of technical issues by OD HRO.

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on unacceptable performance.			
To act as the “Concurring Official” on original decisions to reduce in grade or remove an employee based on unacceptable performance.	Deputy Directors, Associate Directors/Office Directors reporting to Director, NIH and Executive Officer	None except the Deputy Dir for Management (DDM) may redelegate to Associate Directors & Office Directors who report directly to the DDM.	Same as above
<u>Flexible Workplace Arrangements Program (FWAP)</u> To implement the provisions of the NIH Flexible Workplace Program	Deputy Directors, Associate Directors/Office Directors reporting to Director, NIH	Line managers one level below Deputy Directors, Associate Directors/Office Directors reporting to Director, NIH	Send copy of implementation memo to OD HRO.
<u>Intergovernmental Personnel Act (IPA) Assignments</u> To approve or disapprove the temporary assignment by detail or appointment of personnel under the IPA between NIH and eligible non-Federal organizations for up to two years, and extensions of assignments for up to an additional two years when the total NIH financial obligation is equal to or less than GS-15/10 for Scientists and GS-14/1 for Non-Scientists.	Executive Officer	None	May not send or receive on assignment an employee who has served on an IPA for four continuous years without at least a 12-month return to duty to the organization from which originally assigned. May not send an employee on assignment who has served on IPAs for more than a total of 6 years during his/her Federal career. Agreements may not be finalized without prior technical review by OD HRO.

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<p><u>Leave, Excused Absence, and Restored Annual Leave</u></p> <p>To grant annual and sick leave, and other types of paid leave authorized by law, regulation, or policy.</p>	Deputy Directors, Associate Directors/Office Directors reporting to Director, NIH	First level supervisors	
To approve the advance of annual and sick leave to the extent permitted by law, regulation, or policy.	Deputy Directors, Associate Directors/Office Directors reporting to Director, NIH	First level supervisors	
To approve leave without pay (LWOP) or charge employees with absence without leave (AWOL).	Deputy Directors, Associate Directors/Office Directors reporting to Director, NIH	First level supervisors	
To excuse absence without charge to leave.	Same as above	Second level supervisors	
To make the determination that conditions exist which permit restoration of annual leave under 5 USC 6304 (administrative error, exigency of public business, illness of employee).	Same as above	None except the Deputy Dir for Management (DDM) may redelegate to Associate Directors & Office Directors who report directly to the DDM.	An official may not exercise the authority if he/she is in the immediate organizational unit affected by the exigency or his/her leave would be affected by the decision. In such cases, authorities shall be exercised by the next higher official who has been delegated the authority and is not disqualified for the above reasons.

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<u>Overtime</u> To approve regularly scheduled overtime.	Same as above	2 nd level supervisor	
To approve irregular and occasional overtime.	Same as above	Same as above	This authority includes the approval of exceptions to the GS-15/10 biweekly maximum earnings limitation under certain emergency circumstances: <ul style="list-style-type: none"> • Emergency work involving natural disasters as designated by the Director, OHRM • Work involving an emergency other than a natural disaster as designed by the U.S. OPM
To approve any overtime payment for work performed at home or at an alternative worksite.	Deputy Directors, Associate Directors/Office Directors reporting to Director, NIH	None except the Deputy Dir for Management (DDM) may redelegate to Associate Directors & Office Directors who report directly to the DDM.	

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<p><u>Physician's Comparability Allowance (PCA)</u></p> <p>To certify that a physician is required in a position relative to the payment of PCA.</p>	Deputy Directors, Associate Directors/Office Directors reporting to Director, NIH	None except the Deputy Dir for Management (DDM) may redelegate to Associate Directors & Office Directors who report directly to the DDM.	Note: Physicians who are paid under Title 38 receive Physician's Special Pay (PSP) instead of PCA.
To approve and issue PCA agreements (electronic Form PHS-6106) and determine actual allowances to be paid to physicians when total compensation* does not exceed EX-IV and increases are less than or equal to \$30,000.	Same as above	None except the Deputy Dir for Management (DDM) may redelegate to Associate Directors & Office Directors who report directly to the DDM.	Higher level approval must be requested if physician reports directly to recommending official. Contracts may not be activated without prior technical review by OD HRO.
To grant exceptions to pay PCA to certain former members of uniformed services.	Deputy Directors, Associate Directors/Office Directors reporting to Director, NIH	None except the Deputy Dir for Management (DDM) may redelegate to Associate Directors & Office Directors who report directly to the DDM.	Exceptions may not be finalized without prior technical review by the OD HRO.
<p><u>Quality Step Increases (OSI's)</u></p> <p>To approve Quality Step Increases.</p>	Deputy Directors, Associate Directors/Office Directors reporting to Director, NIH	Second level supervisors	Nominations require a recommending and approving official. Approving official must be one level higher than recommending official.

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<p><u>Recruitment Bonus</u></p> <p>To approve individual recruitment bonuses of up to 25 percent of base pay for positions grade GS-13 and below when necessary to:</p> <ul style="list-style-type: none"> • Match current non-Federal salary • Match current non-Federal salary and fringe benefits • Match a recent, written, competing non-Federal salary offer for a similar position • Compensate for cost of living disparity, as shown in a Runzheimer International Two-Location Comparison or comparable comparison, or a combination of cost of living and salary offer disparity <p>When total compensation* does not exceed EX-IV and increases do not exceed \$30,000.</p>	<p>Deputy Directors, Associate Directors/Office Directors reporting to Director, NIH</p>	<p>None except the Deputy Dir for Management (DDM) may redelegate to Associate Directors & Office Directors who report directly to the DDM.</p>	<p>Package requires technical review by OD HRO prior to approval.</p> <p>Copy of approved cases must be forwarded to HRPSD, OHRM within 10 working days for post audit purposes when total compensation is between EX-IV and EX-I.</p>

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<p><u>Relocation Bonus</u></p> <p>To approve individual relocation bonuses of up to 25 percent of base pay for positions grade GS-13 and below:</p> <ul style="list-style-type: none"> • After considering the success of recent recruitment efforts for similar positions, recent turnover in similar positions, applicable labor market factors, and the special qualifications needed for the position • To compensate for cost of living disparity, as shown in a Runzheimer International Two-Location Comparison; or comparable comparison <p>When total compensation* does not exceed EX-IV and increases do not exceed \$30,000.</p>	<p>Deputy Directors, Associate Directors/Office Directors reporting to Director, NIH</p>	<p>None except the Deputy Dir for Management (DDM) may redelegate to Associate Directors & Office Directors who report directly to the DDM.</p>	<p>Package requires technical review by OD HRO prior to approval.</p> <p>Copy of approved cases must be forwarded to HRPSD, OHRM within 10 working days for post audit purposes when total compensation is between EX-IV and EX-I.</p>

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<p><u>Retention Allowance</u></p> <p>To approve an initial retention allowance of up to 25 percent of base pay for positions grade GS-13 and below when necessary to match:</p> <ul style="list-style-type: none"> • A salary level that reflects an “employment opportunity” • A verified, verbal salary offer • A recent, written, competing, non-Federal salary offer for a similar position <p>When total compensation* does not exceed EX-IV and increases do not exceed \$30,000.</p>	Deputy Directors, Associate Directors/Office Directors reporting to Director, NIH	None except the Deputy Dir for Management (DDM) may redelegate to Associate Directors & Office Directors who report directly to the DDM.	<p>Package requires technical review by OD HRO prior to approval</p> <p>Copy of approved cases must be forwarded to HRPSD, OHRM within 10 working days for post audit purposes when total compensation is between EX-IV and EX-I.</p>
To approve renewals of retention allowances for positions grade GS-13 and below when there were no restrictions on the original approval and the percent of base pay is not being increased.	Deputy Directors, Associate Directors/Office Directors reporting to Director, NIH	Line managers one level below Deputy Directors, Associate Directors/Office Directors who report to the Director, NIH	<p>Package requires technical review by OD HRO prior to approval</p> <p>Copy of approved cases must be forwarded to HRPSD, OHRM within 10 working days for post audit purposes when total compensation is between EX-IV and EX-I.</p>

DELEGATION OF AUTHORITY	DELEGATED TO	REDELEGATION AUTHORIZED TO	RESTRICTIONS/ COMMENTS
<p><u>Selecting Authority</u></p> <p>To make the final management decision regarding the choice of person to fill a position at GS-13 and below and equivalent.</p>	Deputy Directors, Associate Directors/Office Directors reporting to Director, NIH	First level supervisor	Selections must be discussed with Deputy Director, NIH for positions which will be working closely with the Deputy Director and/or Director, NIH.
<p><u>Set Rates of Pay (Non-GS)</u></p> <p>To set the rate of pay for an expert or consultant appointed under 5 USC 3109 or similar authorities (i.e. exempt from civil service requirements for competitive examination, and general schedule pay).</p>	Deputy Directors, Associate Directors/Office Directors reporting to Director, NIH	Line managers one level below Deputy Directors, Associate Directors/Office Directors reporting to Director, NIH	Rates of pay from \$200 per day to daily rate of EX-IV must be approved by Deputy Directors, Associate Directors/Office Directors reporting to Director, NIH.
To set the rate of pay for a member of an advisory board, council, or committee appointed pursuant to legislation that specifically authorizes a Department official other than the Secretary to make such an appointment, unless the legislation gives the authority to set the rate of pay to a specific official, or establishes a rate of pay by its own terms.	Deputy Directors, Associate Directors/Office Directors reporting to Director, NIH	Line managers one level below Deputy Directors, Associate Directors, & Office Directors reporting to Director, NIH	Rates of pay from \$200 per day to daily rate of EX-IV must be approved by Deputy Directors, Associate Directors/Office Directors reporting to Director, NIH.

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<u>Voluntary Leave Transfer Program (VLTP)</u> To approve an employee's application to become a recipient of donated annual leave from the leave accounts of one or more donors.	Executive Officer OD Human Resources Officer	None	The recipient of transferred leave must be affected by a medical or family medical emergency that is likely to require his/her absence from duty for a prolonged period of time (24 hours for full-time employees) and to result in a substantial loss of income because of the unavailability of paid leave.
To approve the donation of annual leave to the leave account of an approved leave recipient.	Deputy Directors, Associate Directors/Office Directors reporting to Director, NIH	First level supervisors	An employee may not donate annual leave to his/her immediate supervisor.
To approve a waiver of leave donation amount limitations.	Deputy Directors, Associate Directors/Office Directors reporting to Director, NIH; OD Executive Officer	Second level supervisors	
<u>Within-grade Increases (WIGI's)</u> To make the initial determination that the work of an employee is or is not of an acceptable level of competence; to approve periodic within-grade increases.	First level supervisors	N/A	WIGI denial letters require prior technical review by OD HRO.

DELEGATION OF AUTHORITY	DELEGATED TO	REDELEGATION AUTHORIZED TO	RESTRICTIONS/ COMMENTS
To make the agency determination of acceptable level of competence when an employee requests administrative reconsideration of initial negative determination.	Second level supervisors	None	WIGI reconsideration decisions require prior technical review by OD HRO.
<p><u>Work Schedules</u></p> <p>To make exceptions, on an individual case basis, to the established work schedules of full-time employees for educational purposes or under other circumstances when such exception is considered to be warranted.</p>	Deputy Directors, Associate Directors/Office Directors reporting to Director, NIH	First level supervisors	